

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KEVIN ALLER,

Petitioner,

11cv9089 (JGK)

00cr977 (JGK)

- against -

ORDER

UNITED STATES OF AMERICA,

Respondent.

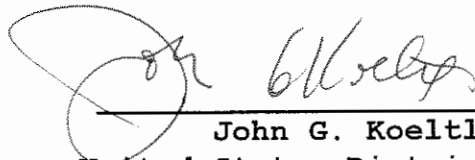
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JOHN G. KOELTL, District Judge:

The Court received the attached letter, dated September 18, 2020, from the defendant. Because the defendant is represented by counsel in connection with his resentencing, pursuant to the First Step Act, the Court strongly urges the defendant not to write directly to the Court, but to consult with his counsel, who will transmit any correspondence to the Court as appropriate. This Order is being sent to the defendant's counsel, rather than to the defendant directly because the defendant is being represented.

SO ORDERED.

Dated: New York, New York  
September 22, 2020

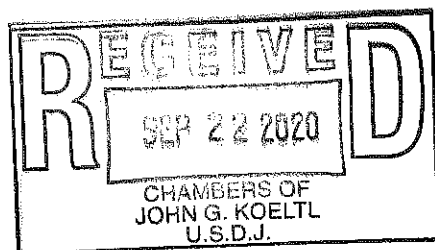


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John G. Koeltl  
United States District Judge

HONORABLE JOHN G. KOELTL

- 1) FINAL CHARACTER LETTER
- 2) FREE LAW AND ARGUMENT REPLY QUESTION!



HONORABLE JOHN G. KOELTL  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
500 PEARL STREET  
NEW YORK, NEW YORK 10007

9-17-20

DEAR JUDGE KOELTL:

I REVIEWED YOUR OPINION AND FIRST I RESPECTFULLY APPRECIATE YOUR CANDID CONSIDERATION GIVEN THE FACTS IN MY CASE, AS I DON'T DOWNPLAY OR OVERLOOK THE SERIOUSNESS OF MY CHARGES. ALTHOUGH MANY YEARS HAVE PASSED, A DAY DON'T GO BY THAT I'M NOT REMORSEFUL SO "THANK YOU".

TO BE FRANK WITH THE COURT IN THE BEGGANING MY ACTIONS IN FEDERAL PRISON WERE NOT WITH-OUT INCIDENT, AS THIS COURT KNOWS, I WAS PLACED IN THE UNITED STATES PENITENTIARY. AND THE U.S. ATTORNEY IS WELL AWARE THOSE PLACES ARE FILLED WITH SOME OF THE MOST NOTORIOUS MEN IN THE COUNTRY. WHO SPEND MOST OF THEIR TIME CARING LESS AS MOST HAVE SERIOUS AMOUNTS OF TIME, EVEN WITH 50 YEARS I WAS CONSIDERED SHORT IN TIME. AND IN TURN I HAD MY BATTLES IN PRISON, I OWN MY CONDUCT. I COULD HAVE ENDED UP SERIOUSLY HURT OR DEAD TOOSAY THE LEAST, I ALWAYS KNEW I MAY NOT MAKE IT AS THERE IS ALWAYS SOMEONE TRYING TO PROVE THEMSELVES, HOW EVER.

(1)

YOUR HONOR I DECIEDED EVEN WITH ALL THIS TIME, I'M A BETTER PERSON THAN THAT, AND I STOPPED! "FIRST" I STOPPED BEING MAD AT THE WORLD, AND MOST OF ALL AN ENEMY TOO MY SELF, I FOUND-OUT THE HARD WAY. I MUST CAN FOR "MY SELF" BEFORE I COULD CARE FOR THE WELL BEING OF OTHER. AND THE TRUTH IS MY BATTLE, "WAS NOT" AN EASY ROAD. DEFINITLY NOT A DOWN HILL FIGHT. MORE UPHILL, BUT I CAME TOO TERMS. AND STARTED CAREING FOR MYSELF AS WELL AS OTHERS! IN RETURN MANY WALKED AWAY FROM ME AND THAT WAS FINE. I HAD TO SWALLOW MY PRIDE. I HAVE SPENT MANY YEARS TALKING TOO "OTHERS" METORING THEM. MOSTLEY TELLING THEM THIS LIFE IS NOT WHERE ITS AT. IN THE END YOUR HONOR ITS MY "FAMILY" WHO STOOD BY ME THROUGHT OUT ALL THIS TIME, NOT THE (STREET'S) OR ANY OF MY SOO CALLED (HOMEBOYS) WHERE WERE THEY? ALWAYS ASK! NO WHERE. FRAUDS WHO WHEN I WAS OUT, TALKED A GOOD SAME!

AND FROM THE START IT WAS MY IMMEDIATELY FAMILY WHO HAD MY BACK FROM BIRTH I WAS LIKE MANY THAT I CROSSED (BLINDED) BY THE FAKE GLAMOUR". I'M NOT ALONE IN MY BLINDNESS. I'VE REPENTED ENDLESSLY. OF COURSE. SOME WILL SAY ITS BECAUSE I'M IN HERE TRYING TO OBTAIN MY FREEDOM. THE TRUTH IS I DON'T WANT TOO. BE YESTERDAYS MAN.

THERE WILL ALWAYS BE MEMORIES OF HIM, IT WHAT FUELS THE FIRE, MAKING SURE HE DON'T "EVEN APPEAR AGAIN!" I'M NOT THAT MAN ANYMORE HE DON'T "EXIST". SOLE ENOUGH

I'M WELL AWARE THE U.S. ATTORNEY FEELS ANOTHER WAY. BUT HE WAS NOT PRESENT TOO PERSONELY SEE CHANGE EVEN PHYSICALLY I'M NOT THE "SAME." BUT THAT'S SMALL COMPARED TOO MY NEW WAY OF THINKING! I SPEND TIME WITH MY FAMILY THROUGH E-MAILS, PHONE AND VISITS. EVEN MORE IMPORTANTLY THERE WILL NEVER BE ENOUGH REGRET FOR THE PAIN MY FAMILY HAVE SUFFERED THROUGH-OUT ALL THESE YEARS. I'M TRULY SORRY FOR THEM ANY AND ALL VICTIMS IN MY CASE.

RESPECT FULLY  
Kevin Allen

IN ADDITION BECAUSE I'M OVERWHELMED WITH THIS OPPORTUNITY. I READ YOUR OPINION AND I BELIEVE I'M WITH YOU. THE COURT'S USED THE STATUTE TO COME CLOSEST TO LIFE AS POSSIBLE. HOWEVER THE STATUTE HAS NO ROOM FOR GROUPING WITHIN ITS LANGUAGE IN REGARDS TO THE CROSSREFERENCING I HAVE ASKED MY ATTORNEY TO SEND THE CROSSREFERENCE IF IT'S IN THE STATUTE I WAS CONVICTED UNDER. I KNOW IT'S IN THE GUIDELINES.

HOWEVER THE COURT CHOSE TO USE THE STATUTORY LANGUAGE INSTEAD, MY GROUPING IS ILLEGAL AND IF I'M CORRECT MARITIME AND TERRITORIAL JURISDICTION, MEANS FEDERAL ENCLAVES. AM I'M RIGHT?

LAST ONE!!

3553 (A) LET'S YOU MR KOELTL TO LOOK AT (1) A HIGHER DANG-QUANTITY FINDING THAT WAS MADE FOR SENTENCING - NOT STATUTORY - PURPOSE (2) A MOVANT'S CAREER-OFFENDER STATUS, OR (3) A MOVANT'S SENTENCE BEING AT THE BOTTOM OF THE GUIDELINE RANGE. YOU HAVE WIDE LATITUDE TO DETERMINE WHETHER AND HOW TO EXERCISE ITS DISCRETION AND THAT IT MAY CONSIDER THE 3553 (A) FACTORS AND PREVIOUS DANG-QUANTITY FINDING MADE FOR THE PURPOSES OF RELEVANT CONDUCT. SO THE GROUPING, CROSSREFERENCE WRONG?

Am I'm Right?

*Kevin Allen*